REMARKS

Claim 5 has been canceled. Claims 1-4 and 6 are pending in the application.

Applicants amend the specification to remove embedded hyperlinks and amend claims 1-2

and 4 for further clarification. No new matter has been added.

The Examiner objected to the specification for containing "an embedded hyperlink

and/or other form of browser-executable code." Applicants amend the specification to

remove the URL objected to by the Examiner, and respectfully request that the Examiner

withdraw the objection.

Claims 4 and 6 stand rejected under 35 U.S.C. § 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter of the

invention.

Applicants amend claim 4 to clearly recite first and second Ethernet switches on

respective transmission and reception sides for transmitting a PAUSE frame. Accordingly,

Applicants respectfully request that the Examiner withdraw the § 112 rejection.

Claims 1-4 and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over

U.S. Patent Application No. 2002/0172205 to Tagore-Brage et al. in view of U.S. Patent No.

6,628,613 to Joung et al. Applicants amend claims 1-2 and 4 in a good faith effort to further

clarify the invention as distinguished from the cited references, and respectfully traverse the

rejection.

Again, the Examiner relied upon Joung et al. as a combining reference that allegedly

suggests:

> "a PAUSE frame including a parameter field in which a
> timer value of PAUSE time is set (see column 4 lines 10-20
> and 42-53) and that when the congestion still exists, the
> congested element will send another pause frame within the
> pause time of the first pause frame to keep stopping the
> transmission of all packet data (see column 5 lines 66 to

column 6 line 3)." Page 4, line 18 et seq. of the Office Action. (Emphasis added)

The Examiner acknowledged that Tagore-Brage et al. fail to disclose these features.

And again, the cited portions of Joung et al. only include description of extending a PAUSE time—i.e., "keep stopping the transmission of all packet data"—when receiving an additional PAUSE frame. Thus, Joung et al. fail to disclose or suggest the claimed features with respect to restricting different priority traffic based on received PAUSE frames. Please see, e.g., Fig. 4 of Joung et al. The Examiner cited paragraph [0110] of Tagore-Brage et al. as alleged suggestion of these claim features.

Paragraph [0110] of Tagore-Brage et al. only includes, however,

"When the element 24 transmits stopping/congestion information, the element 20 immediately transmits stopping/congestion information to the element 22. It should be noted that different types of stopping/congestion information may be used (such as for stopping all—or only part of the data traffic)."

In other words, Tagore-Brage et al., as cited and relied upon by the Examiner, only describe transmitting "different types of stopping/congestion information" for stopping data traffic.

Thus, even assuming, arguendo, that it would have been obvious to one skilled in the art at the time the claimed invention was made to combine Tagore-Brage et al. and Joung et al., such a combination would have, at most, suggested stopping a type of data traffic based a corresponding type of stopping information, as described in Tagore-Brage et al., and extending a stopping time for the type of data traffic when receiving an additional stop or pause frame of the particular type of stopping information, as described in Joung et al. Such a combination would, therefore, still have failed to disclose or suggest the claimed features of restricting different traffic flow depending on the timing of a PAUSE frame, i.e., whether the

PAUSE frame is received during a PAUSE time or received at a time other than the PAUSE time.

Accordingly, Applicants respectfully submit that claim 1, together with claims 2-4 and 6 dependent therefrom, is patentable over <u>Tagore-Brage et al.</u> and <u>Joung et al.</u>, separately and in combination, for at least the foregoing reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

_____/Dexter Chang/_____
Dexter T. Chang
Reg. No. 44,071

CUSTOMER NUMBER 026304
Telephone: (212) 940-6384
Fax: (212) 940-8986 or 8987
Docket No.: 100794-00477 (FUJA 20.616)
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